

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6345

BILL NUMBER: HB 1173

NOTE PREPARED: Dec 7, 2007

BILL AMENDED:

SUBJECT: Ignition Interlock Devices.

FIRST AUTHOR: Rep. Duncan

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill provides that a court may grant probationary driving privileges to a person who is convicted of operating a vehicle or motorboat while intoxicated (OWI) and who does not have a previous OWI conviction or whose previous OWI conviction was at least ten years in the past, but only if the court grants the probationary driving privileges subject to the condition that for six months the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device.

The bill requires a court, when granting probationary driving privileges to a person who is convicted of OWI and whose previous OWI conviction was at least five but less than ten years in the past, to grant the probationary driving privileges subject to the condition that for six months the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device.

Effective Date: July 1, 2008.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: *Ignition Interlock Devices* – Counties do not incur any additional cost when a court orders a person convicted of operating while intoxicated (OWI) to install and maintain an ignition interlock system. Persons who are ordered to install and properly maintain an ignition interlock system on their car typically pay for the entire costs of the operation. The average fee for installing an ignition interlock device is between \$70 and \$100, and the average cost of maintaining the device is between

\$30 and \$60 per month. Indigent persons are not required to pay the entire fee.

Under current law, courts have the discretion to suspend a person's driving privileges and order the use of an ignition interlock device as a condition of probationary driving privileges if the person has no prior OWI convictions and did not refuse the test. Any other person with an OWI offense that has occurred within ten years is required to have an ignition interlock device installed during the probationary period.

As proposed, any time the sentencing court grants probationary driving privileges, the court must order that probationary driving privileges include either the installation of an ignition interlock device for **six months** or participation in an alcohol treatment program in which the drug disulfiram is administered.

The following table shows the current provisions in statute.

<u>Prior History</u>	<u>Current Law -- Length of Suspended License</u>
No prior or no prior in the last 10 years.	90 to 180 days; use of ignition interlock systems optional.
Prior OWI between 5 and 10 years ago.	180 days to 2 years; use of ignition interlock systems required.
Prior OWI within past 5 years.	1 and 2 years; court may grant probationary license if the person uses ignition interlock system or uses disulfiram as part of supervised alcohol treatment program; use of ignition interlock systems required.

The Bureau of Motor Vehicles reports the number of drivers with suspended licenses for OWI-related offenses below.

New License Suspensions by Calendar Year						
	2000	2001	2002	2003	2004	2005
OWI per se	2,459	3,048	4,617	4,885	5,017	4,717
OWI	13,332	12,499	13,024	12,137	11,718	11,539
OWI/ Unspecified	16	11	17	7	6	5
Prior OWI/5 Yrs	4,006	3,772	3,799	4,328	4,233	3,971
OWI Causing Injury	67	64	75	76	87	86
OWI Causing Death	27	21	22	30	29	36
Total OWI-Related Suspensions	19,907	19,415	21,554	21,463	21,090	20,354
Note: 2006 statistics will be included when they are available from the Bureau of Motor Vehicles.						

Ignition interlock systems appear to be used sparingly by courts in Indiana. This is reported to be due in part to the limited number of service providers available in some counties and because some judges believe that the fee amounts are too expensive for some defendants.

In an informal survey, Criminal Justice Institute staff reported that the following courts order ignition interlock devices for OWI offenders:

- Allen County
- Warrick County
- Dearborn County
- Saint Joseph County
- Tippecanoe County
- Porter County
- Clark County

Use of Disulfiram – Disulfiram is a drug that causes severe (but temporary) physical distress for persons who consume alcohol after taking the drug. Under current law, a court can only order an OWI offender to use disulfiram when the offender has had an OWI conviction within the past five years. Few courts currently use disulfiram as part of an alcohol treatment program.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Courts with OWI jurisdiction.

Information Sources: Bureau of Motor Vehicles; Dan Jeffries, Criminal Justice Institute.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.